

ORDINANCE No. \_\_\_\_\_, SERIES 2007

**AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT OUTER LOOP, MINYARD DRIVE AND MINOR LANE (TAX BLOCK 641, LOTS 278-337), CONTAINING A TOTAL OF 10.74 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 8818) (AS AMENDED).**

**SPONSORED BY: COUNCILMAN TOM OWEN**

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 8818; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 8818 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the following additional findings of fact, which support the zoning map amendment,

WHEREAS, the Council finds that the proposed development complies with KRS 100.213 because the existing residential zoning of the property is not appropriate while commercial zoning is appropriate; due to the subject property's location on Outer Loop, a major arterial, in such close proximity to the I-65 interchange, the property is not suited for residential use, as was also recognized in the 1988 Outer Loop Corridor Study which stated that a wide range of uses other than residential would be appropriate for the subject site; because of the site's size and proximity to the I-65 interchange on Outer Loop, the study concluded that the property is a prime location for interstate serving uses, including restaurants, gas stations, and similar uses; and recent changes have occurred in the area making the property even more appropriate for commercial usage, including the approval of the Shadow Wood Towne Center just to the west of the subject property and the Renaissance Zone on the west side of I-65;

WHEREAS, the Council finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1, because the site is not suitable for residential development due to its location on a heavily-traveled major arterial and its close proximity to the I-65 interchange, but that the location does make it ideal for the development of a neighborhood-serving center; because pedestrian connections are provided to adjacent residential developments and tree-lined walkways within and around the development site will lead to the existing bicycle path along Outer Loop; because the focal point of the center is located centrally to be easily accessed from all areas of the site and surrounding residential development, and includes amenities such as a decorative concrete bench and planter, a trellis roof with hanging vines, bike racks, walkways constructed of brick pavers to enhance the streetscape of the development and promote the pedestrian experience through the development;

WHEREAS, the Council finds that the proposal further complies with Policy 1.B.3 of Community Form/Land Use Guideline 1, because the proposed development will contain a mixture of neighborhood-serving uses that are appropriate in terms of scale and intensity for a neighborhood center, because existing tree masses will be retained along the north and east property lines to provide additional buffering adjacent to existing residential uses, and because the design of the center will incorporate a high level of detail which is compatible with the surrounding area and will provide an appropriate transition between the Shadow Wood commercial development to the west and the predominately residential areas to the east of the site;

WHEREAS, the Council further finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1 because the Outer Loop Corridor Study of 1988 recommended a wide range of uses as being appropriate for the site, and concluded that the site is a prime location for interstate-serving uses due to its size and proximity to I-65, and stated that increased buffers should be provided along the north and east property lines, and the proposed development will provide commercial uses for the area as recommended by the

study and will incorporate a 50-foot landscape buffer along north property line with a retaining wall to preserve existing vegetation, and will construct an 8-foot brick wall on top of a 4-foot retaining wall along this property line to provide additional screening and buffering for adjacent residential uses;

WHEREAS, the Council further finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1 because the proposed development will also provide a significant buffer for properties to the east of the subject site; the proposal includes a 60-foot buffer along the northern portion of the east property line; the nearest retail building will be located over 100 feet from the residential property to the east; there is a 30-foot landscape buffer area in which existing vegetation will be retained along the southern portion of the east property line; to the west of the 30-foot buffer area is the entrance drive to the development from Outer Loop, which is located approximately 75 feet from the east property line; the detention basin lies to the west of the entrance drive, which will provide a very significant buffer area between the adjacent residences to the east and the proposed development; and a sidewalk and benches will be provided around the detention basin making it a usable open space amenity for the surrounding neighborhoods;

WHEREAS, the Council finds that the proposal complies with Guideline 2, Centers because the site is located at the intersection of Outer Loop, a major arterial, and Minor Lane, a secondary collector, in close proximity to the I-65 interchange; the area is within an existing activity center including the Shadow Wood Towne Plaza, Evangel Christian Church and school, and an existing commercial and office development on the south side of Outer Loop; and the site is the only remaining undeveloped parcel of property on the north side of Outer Loop in this area, hence, there are no opportunities for linear expansion of commercial uses;

WHEREAS, the Council further finds that the proposal complies with this Policy because the development will contain a mixture of neighborhood-serving uses, such as retail and restaurants, which results in an efficient land use that supports combined trips, and thereby

reduces air pollution, promotes fuel conservation, and encourages the use of alternative forms of transit, including pedestrian and bicycle, as well as bus; the property is served by existing roadway infrastructure as it is located at the intersection of a major arterial and a collector level street; the proposal includes a significant sidewalk network that provides internal connections as well as access to adjacent roadways and sidewalks and residential developments, and to the existing bike path along the Outer Loop;

WHEREAS, the Council further finds that the proposal complies with this Policy because parking areas are located to support safe pedestrian movement through the site, a central focal point is provided, and the buildings will be designed to provide visual interest, including brick and masonry facades, windows, transparent doorways and entry areas and other animating features;

WHEREAS, the Council finds that the proposal conforms with Guideline 3, Compatibility, because the layout of the development harmonizes with the character of the area and the Neighborhood Form District; landscape buffer areas as required by the Land Development Code will be provided around the entire perimeter of the property, a 50-foot landscape buffer is provided along the majority of the north property line in which much of the existing vegetation will be preserved, and the buildings are set back an additional 25 feet from the buffer area; and an 8-foot-tall brick wall is proposed on top of an approximately 4-foot-tall retaining wall along the north property line to provide additional screening between the development and the adjacent residences to the north;

WHEREAS, the Council further finds that the proposal complies with this Guideline because the proposed development will also provide a significant buffer for properties to the east, as previously described, and these extensive landscape buffers will ensure there will be no adverse noise, odor, or visual impacts on the adjoining residential areas;

WHEREAS, the Council further finds that the proposal complies with this Guideline because vehicle use areas will contain interior landscape areas with significant landscape

plantings; the proposed development will incorporate site design and architectural quality compatible with surrounding developments; the proposed buildings are oriented toward Outer Loop and building facades will be constructed of brick and masonry material and will incorporate animating features as previously mentioned; outdoor lighting and signage will meet the requirements of the Land Development Code; and parking is designed to be safe and simple, and be shared to minimize impervious land surfaces;

WHEREAS, the Council further finds that the proposal complies with this Guideline because the proposed development is located on a site that will enable proper stormwater management that will not adversely affect adjacent and downstream properties; the detention basin on the southeast portion of the site will be designed to provide necessary upgrades to area-wide water storage and distribution, per Metropolitan Sewer District (MSD) requirements; the detention basin will accommodate onsite drainage and mitigate any impacts of the proposed development to the watershed and its capacity to transport stormwater; the detention basin is designed to handle 1.5 times the runoff volume of the proposed development, which will help alleviate existing flooding problems in the area; the stormwater detention design will be required to receive approval from MSD prior to construction of the proposed development; and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Council finds that the proposal complies with Guidelines 4 and 5, Open Space and Natural Areas and Scenic and Historic Resources, because open space is provided that is designed to protect natural resources and meet aesthetic needs and that is accessible via an interconnected system of sidewalks that connects to adjacent residential areas and the uses to be provided in the center; the buildings are situated to allow for the preservation of existing vegetation along the north and east boundaries of the site; in addition to preserving trees in these areas, the other landscape buffer areas, parkway buffer area along Outer Loop,

and interior landscape areas will be further enhanced with additional landscaping; the large detention basin on the site as well as the significant buffer areas along the north and east integrate natural areas and open space with the community;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because the proposed development avoids unnecessary impacts to environmentally sensitive areas by preserving large buffer areas along the north and east portions of the site adjacent to existing residential areas; and the proposed development will provide wetland mitigation as required by the Army Corps for several insignificant pockets of wetland areas on the site, and will incorporate best management practices for soil erosion, sediment, and drainage control;

WHEREAS, the Council finds that the proposal complies with Guideline 6, Economic Growth and Sustainability, because the proposed center will bring investment and promote economic development to the Outer Loop corridor where such has been lacking in recent years; the development will bring to this area of Outer Loop uses such as sit-down restaurants and neighborhood-serving retail; the subject property is an appropriate location for a neighborhood center as the infrastructure already exists for the development; and the location of the property on the Outer Loop, which carries a high volume of traffic, in such close proximity to I-65, makes it a prime location for a neighborhood center;

WHEREAS, the Council finds that the proposal complies with Guidelines 7, 8 and 9, Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit, because the site will enable proper and direct access to a major arterial and will not adversely affect adjacent areas; there is access to the proposed development from both Outer Loop (right-in/right-out) as well as Minor Lane/Minyard Drive; the entrances are located to facilitate safe vehicular and pedestrian access to and from neighborhood retail shopping facilities and adjacent land uses; the development will primarily capture drive-by trips as opposed to generating new trips on Outer Loop; and, as demonstrated in the traffic impact analysis submitted with the proposal, the existing roadway infrastructure is adequate to handle the traffic from the proposed development;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because by providing a mixture of compatible uses, the proposed development will enable area residents and future employees to minimize vehicular miles traveled, as well as total travel time, in order to minimize air pollution and to conserve fuel; the development is located to take advantage of the existing transportation system to complement the overall development of the area and minimize additional roadway construction; and the site is located where adequate infrastructure access exists for the efficient movement of people and goods;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because adequate parking spaces, including handicapped spaces as required by the ADA, are provided on the subject property as required by the Land Development Code; bicycle amenities will also be provided in accordance with the Land Development Code; and the proposal integrates pedestrian accessibility by connecting sidewalks from the existing neighborhoods and the bike path along Outer Loop to the neighborhood center;

WHEREAS, the Council finds that the proposal complies with Guidelines 10 and 11, Flooding and Stormwater and Water Quality, because the site contains no environmental constraints which would prevent commercial development of this property; the site will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; per Metropolitan Sewer District (MSD) requirements, the detention basin on the southeast portion of the site will receive approval from MSD prior to the commencement of construction, and will be designed to accommodate 1.5 times the runoff volume of the proposed development, which will help to alleviate existing flooding problems in the area; and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because the proposed development avoids unnecessary impacts to environmentally sensitive

areas by preserving large buffer areas along the north and east portions of the site adjacent to existing residential areas; and the proposed development will provide wetland mitigation as required by the Army Corps and will incorporate best management practices for soil erosion, sediment, and drainage control;

WHEREAS, the Council finds that the proposal complies with Guideline 12, Air Quality, because it represents an efficient land use pattern and utilizes current traffic patterns; the proposed development will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel in an effort to reduce the air impacts of the development; the mixture of uses being proposed on the subject property will also aid in reducing commuting time and transportation-related air pollution associated with stop and go traffic; the subject site is located on a major arterial which is currently served by TARC; the existing roadway infrastructure provides adequate capacity for the minimal additional traffic generated by this development; and the air quality impact analysis submitted with the change in zoning application demonstrates that the proposed development will not adversely affect air quality;

WHEREAS, the Council finds that the proposal complies with Guideline 13, Landscape Character, because it meets or exceeds all landscape requirements of the Land Development Code by providing a combination of natural and manicured landscape areas designed to enhance the site aesthetics; perimeter landscape areas will buffer the proposed development from the adjacent residential properties, and will include a 50-foot landscape buffer along the north property line in which much of the existing vegetation will remain intact, and significant buffering along the east property line as previously described; the development will contain landscaping in the parkway buffer along Outer Loop and within the landscape buffer area along Minyard Drive; a total of 21,883 square feet of interior landscape area is provided on site which exceeds the requirements of the Land Development Code by over 4,000 square feet; interior landscaping will be provided within these areas to enhance the buildings, break up the parking



areas, and enhance the aesthetics of the site; and tree canopy in excess of Land Development Code requirements will also be provided;

WHEREAS, the Council finds that the proposal complies with Guidelines 14 and 15, Infrastructure and Community Facilities, because the site is served by existing infrastructure, including water, sewer and electricity, sufficient to serve the proposed development; and the development has an adequate supply of potable water and water for fire-fighting purposes and is served by the Okolona Fire Department;

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**Section I:** That the property located at Outer Loop, Minyard Drive and Minor Lane (Tax Block 641, Lots 278-337), containing a total of 10.74 acres and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 8818 is hereby changed from R-4 Single-Family Residential to C-2 Commercial, as more particularly specified in the attached legal description, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 8818.

**Section II:** This Ordinance shall take effect upon passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

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Jerry Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

By: \_\_\_\_\_